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In the first case the action would be direct and fully understood; in the second, it would be indirect, taking the property of the defendant under the form of a judicial sentence, by depriving him of a valid defense against a demand invalid in law."

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**Polluted Water.**—The parties to this action were engaged in manufacturing in the city of Newark, N. J. The lands upon which their plants were erected adjoined. The plaintiff corporation is a brewing industry, manufacturing malt liquors. To successfully carry on the manufacture of these liquors the plant required large quantities of pure, cool water. They obtained the water from wells on their own land, which water was pecuniary adapted for the manufacture of the liquors. The defendant gas company manufactured illuminating gas, and its success in that business required the consumption of large quantities of coal and oil, the residuum of which, after distillation by heat and the purification of the gas sufficient for illuminating requirements, is tar and its compounds. This tar, being heavier than water, will, if allowed to escape from the gas holders in which they form, sink down into the soil and underground percolating waters, and are carried thereby to neighboring wells of water. The water of the wells of the plaintiff becoming polluted with this tar, they brought this action to recover damages. The Court of Errors and Appeals of New Jersey said that the settled law of New Jersey was that the landowner has not an absolute and unqualified property in all water found percolating in his soil to do what he pleases with. He has the right to use it only in a reasonable manner and to a reasonable extent for his own benefit for domestic purposes, as well as in manufacturing and his own consumption, as in agriculture, irrigation, and the like, and without undue interference with the rights of other landowners to the like use and enjoyment of such water. *P. Ballantine & Sons v. Public Service Corporation of New Jersey*, 91 Atlantic Reporter, 95.